

USPTO Serial No. 10/613,281

Brookshire, M.

Response to Office Action mailed March 22, 2005

REMARKS

The Office Action rejects claims 1-3, 5, 9-10 and 12 under 35 U.S.C. 102(b) as being anticipated by Meyer 052378.

Applicant(s) have cancelled claims 1-12 rendering the rejection moot. Applicant(s) added new claims 25-44 to more clearly define the present invention and distinguish over the prior art of record.

New claim 25 recites a naturally occurring precious gemstone, comprising a pavilion having a plurality of facets extending from a common point radially to a girdle region around a circumference of the naturally occurring precious gemstone. A crown meets the pavilion in the girdle region. The girdle region extends no further than the widest circumference of the crown and the pavilion extends no further than the widest circumference of the girdle region. The crown is a symmetrical hemisphere formed from a plurality of rows of facets with an equal number of facets in each row. The plurality of rows of facets extends continuously from the girdle region to a top point of the crown of the naturally occurring precious gemstone. Each row of facets is cut with respect to a reference line tangential to the top point of the crown. A first row of facets being cut about 15 degrees; a second row of facets being cut about 19 degrees; a third row of facets being cut about 25 degrees; a fourth row of facets being cut about 30 degrees; a fifth row of facets being cut about 34 degrees; a sixth row of facets being cut about 38 degrees; a seventh row of facets being cut about 46 degrees; an eighth row of facets being cut about 56 degrees; a ninth row of facets being cut about 65 degrees; a

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tenth row of facets being cut about 75 degrees; and an eleventh row of facets being cut about 90 degrees.

The Meyer reference does not disclose a cut naturally occurring precious gemstone. Meyer addresses an imitation gemstone having a surrounding flange B for support which can be formed from a mold. Meyer does not teach or suggest a plurality of facets extending from a common point radially to a girdle region around a circumference of the naturally occurring precious gemstone. The pavilion in Meyer's FIG. 3 does not show the pavilion facets extending from a common point radially to the girdle region. Meyer does not teach or suggest a girdle region extending no further than the widest circumference of the crown and the pavilion extends no further than the widest circumference of the girdle region. The girdle region in Meyer is a flange that extends well beyond the crown and pavilion. Moreover, the crown in the Meyer reference is not a symmetrical hemisphere formed from a plurality of rows of facets with an equal number of facets in each row. Finally, Meyer does not teach or suggest the rows of facets being cut to the claimed angles.

Claim 25 is believed to patentably distinguish over the Meyer reference. Claims 26-31 are believed to be in condition for allowance as each is dependent from an allowable base claim.

New claim 32 recites a naturally occurring precious gemstone, comprising a pavilion having a plurality of facets extending from a common point radially to a girdle region around a circumference of the naturally occurring precious gemstone. A crown meets the pavilion in the girdle region. The girdle region extends no further than the widest circumference of the crown and the pavilion extends no further than the widest

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circumference of the girdle region. The crown is formed from a plurality of rows of facets with an equal number of facets in each row. The plurality of rows of facets extends continuously from the girdle region to a top point of the crown of the naturally occurring precious gemstone. Each row of facets is cut with respect to a reference line tangential to the top point of the crown. A first row of facets being cut about 15 degrees; a second row of facets being cut about 19 degrees; a third row of facets being cut about 25 degrees; a fourth row of facets being cut about 30 degrees; a fifth row of facets being cut about 34 degrees; a sixth row of facets being cut about 38 degrees; a seventh row of facets being cut about 46 degrees; an eighth row of facets being cut about 56 degrees; a ninth row of facets being cut about 65 degrees; a tenth row of facets being cut about 75 degrees; and an eleventh row of facets being cut about 90 degrees.

The Meyer reference does not disclose a cut naturally occurring precious gemstone. Meyer addresses an imitation gemstone having a surrounding flange B for support which can be formed from a mold. Meyer does not teach or suggest a plurality of facets extending from a common point radially to a girdle region around a circumference of the naturally occurring precious gemstone. The pavilion in Meyer's FIG. 3 does not show the pavilion facets extending from a common point radially to the girdle region. Meyer does not teach or suggest a girdle region extending no further than the widest circumference of the crown and the pavilion extends no further than the widest circumference of the girdle region. The girdle region in Meyer is a flange that extends well beyond the crown and pavilion. Moreover, the crown in the Meyer reference is not formed from a

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plurality of rows of facets with an equal number of facets in each row. Finally, Meyer does not teach or suggest the rows of facets being cut to the claimed angles.

Claim 32 is believed to patentably distinguish over the Meyer reference. Claims 33-37 are believed to be in condition for allowance as each is dependent from an allowable base claim.

New claim 38 recites a naturally occurring precious gemstone, comprising a pavilion having a plurality of facets extending from a common point radially to a girdle region around a circumference of the naturally occurring precious gemstone. A crown meets the pavilion in the girdle region. The girdle region extends no further than the widest circumference of the crown and the pavilion extends no further than the widest circumference of the girdle region. The crown is a symmetrical hemisphere formed from a plurality of rows of facets with an equal number of facets in each row. The plurality of rows of facets extends from the girdle region to a top point of the crown of the naturally occurring precious gemstone.

The Meyer reference does not disclose a cut naturally occurring precious gemstone. Meyer addresses an imitation gemstone having a surrounding flange B for support which can be formed from a mold. Meyer does not teach or suggest a plurality of facets extending from a common point radially to a girdle region around a circumference of the naturally occurring precious gemstone. The pavilion in Meyer's FIG. 3 does not show the pavilion facets extending from a common point radially to the girdle region. Meyer does not teach or suggest a girdle region extending no further than the widest circumference of the crown and the pavilion extends no further than the widest circumference of the girdle region. The girdle region in Meyer

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is a flange that extends well beyond the crown and pavilion. Moreover, the crown in the Meyer reference is not a symmetrical hemisphere formed from a plurality of rows of facets with an equal number of facets in each row.

Claim 38 is believed to patentably distinguish over the Meyer reference. Claims 39-44 are believed to be in condition for allowance as each is dependent from an allowable base claim.

The Office Action further rejects claims 4, 6-8, and 11-12 under 35 U.S.C. 103 as being unpatentable over Meyer. Applicant(s) have cancelled claims 1-12 rendering the rejection moot.

Applicant(s) believe that all information and requirements for the application have been provided to the USPTO. If there are matters that can be discussed by telephone to further the prosecution of the Application, Applicant(s) invite the Examiner to call the undersigned attorney at the Examiner's convenience. The Commissioner is hereby authorized to charge any fees due with this Response to U.S. PTO Account No. 17-0055.

Respectfully submitted,
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